

FORM PTO-1390  
(REV 2-2005)  
OMB-0651-0021

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.  
12065-0035

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

DATE: **November 4, 2005**

U.S. APPLN. NO.  
(IF KNOWN, SEE 37 C.F.R. 1.5)  
**10/555638**  
Not yet assigned

INTERNATIONAL APPLICATION NO.  
**PCT/JP2004/006481**

INTERNATIONAL FILING DATE  
**May 7, 2004**

PRIORITY DATE CLAIMED  
**May 8, 2003**

**TITLE OF INVENTION: MAGNETIC POWDER, A MAGNETIC RECORDING MEDIUM USING THE MAGNETIC POWDER AND A METHOD OF SURFACE TREATING A MAGNETIC POWDER (AS AMENDED)**

**APPLICANT(S) FOR DO/EO/US: KIMITAKA SATO**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371. (THE BASIC FILING FEE IS ATTACHED)
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures [35 U.S.C. 371(f)] at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
  - a. ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].
  - a. ☒ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☒ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

Items 11 - 20 below concern other document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☒ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

|                                                                                      |  |                                                    |  |                                                          |  |
|--------------------------------------------------------------------------------------|--|----------------------------------------------------|--|----------------------------------------------------------|--|
| U.S. APPL. NO. (IF KNOWN)<br>SEE 37 C.F.R. 1.501<br>NOT YET ASSIGNED<br><b>55638</b> |  | INTERNATIONAL APPLICATION NO.<br>PCT/JP2004/006481 |  | ATTORNEY DOCKET NO. 12065-0035<br>DATE: NOVEMBER 4, 2005 |  |
|--------------------------------------------------------------------------------------|--|----------------------------------------------------|--|----------------------------------------------------------|--|

|                                                                                                                                                                                                                                                                                                                                            |              |                                                                               |            |                       |                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------------------------------------------------------------------|------------|-----------------------|---------------------|
| <input checked="" type="checkbox"/> The following fees are submitted:                                                                                                                                                                                                                                                                      |              |                                                                               |            | <b>CALCULATIONS</b>   | <b>PTO USE ONLY</b> |
| <input checked="" type="checkbox"/> 21.) Basic National Fee ..... <b>\$300</b>                                                                                                                                                                                                                                                             |              |                                                                               |            | \$ 300                |                     |
| <input checked="" type="checkbox"/> 22.) Examination Fee - If International Preliminary Examination Report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) ..... <b>\$100</b><br>All other situations ..... <b>\$200</b>                                                                                      |              |                                                                               |            | \$ 200                |                     |
| <input checked="" type="checkbox"/> 23.) Search Fee - If Search Fee (37 CFR 1.445(a)(2) has been paid in the International Application to the USPTO as an International Searching Authority ..... <b>\$100</b><br>International Search Report prepared and provided to the Office. <b>\$400</b><br>All other situations ..... <b>\$500</b> |              |                                                                               |            | \$ 400                |                     |
| <b>TOTAL OF 21, 22 and 23 =</b>                                                                                                                                                                                                                                                                                                            |              |                                                                               |            | \$ 900                |                     |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing on computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.                                                                 |              |                                                                               |            | \$                    |                     |
| Total Sheets                                                                                                                                                                                                                                                                                                                               | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE       |                       |                     |
| 36 - 100                                                                                                                                                                                                                                                                                                                                   | /50=         | 0                                                                             | x \$250    | \$                    |                     |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 C.F.R. 1.492(h)].                                                                                                                                                                                            |              |                                                                               |            | \$                    |                     |
| Claims                                                                                                                                                                                                                                                                                                                                     | Number Filed | Number Extra                                                                  | Rate       |                       |                     |
| Total Claims                                                                                                                                                                                                                                                                                                                               | 16 - 20 =    | 0                                                                             | X \$50.00  | \$                    |                     |
| Independent Claims                                                                                                                                                                                                                                                                                                                         | 3 - 3 =      | 0                                                                             | X \$200.00 | \$                    |                     |
| Multiple dependent claim(s) (if applicable)                                                                                                                                                                                                                                                                                                |              |                                                                               | + \$360.00 | \$                    |                     |
| <b>TOTAL OF ABOVE CALCULATIONS =</b>                                                                                                                                                                                                                                                                                                       |              |                                                                               |            | \$ 900                |                     |
| Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2                                                                                                                                                                                                                                                       |              |                                                                               |            | \$                    |                     |
| <b>SUBTOTAL =</b>                                                                                                                                                                                                                                                                                                                          |              |                                                                               |            | \$ 900                |                     |
| Processing fee of \$130.00 for furnishing the English translation later the 30 months from the earliest claimed priority date [37 C.F.R. 1.492(f)].                                                                                                                                                                                        |              |                                                                               |            | \$                    |                     |
| <b>TOTAL NATIONAL FEE =</b>                                                                                                                                                                                                                                                                                                                |              |                                                                               |            | \$ 900                |                     |
| Fee for recording the enclosed assignment [37 C.F.R. 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). \$40.00 per property                                                                                                                                                               |              |                                                                               |            | \$                    |                     |
| <b>TOTAL FEES ENCLOSED =</b>                                                                                                                                                                                                                                                                                                               |              |                                                                               |            | \$                    |                     |
|                                                                                                                                                                                                                                                                                                                                            |              |                                                                               |            | Amount to be refunded | \$                  |
|                                                                                                                                                                                                                                                                                                                                            |              |                                                                               |            | Charged               | \$                  |

a. ☒ A check in the amount of \$900.00 to cover the above fees is enclosed.  
 b. ☐ Please charge Counsel's Deposit Account No. 50-1088 in the amount of \$\_\_\_\_\_ to cover the above fee. A duplicate copy of this sheet is enclosed.  
 c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Counsel's Deposit Account No. 50-1088.  
 d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive [37 C.F.R. 1.137(a) or (b)] must be filed and granted to restore the application to pending status.

**SEND ALL CORRESPONDENCE TO:**

**CLARK & BRODY**  
 1090 Vermont Avenue, N.W.  
 Suite 250  
 Washington, D.C. 20005  
 Telephone: 202-835-1111  
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Christopher W. Brody  
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 Date: November 4, 2005